

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

The Regents of the University of California,
Plaintiff,
v.
Micro Therapeutics, Inc. and Dendron GmbH,
Defendants.

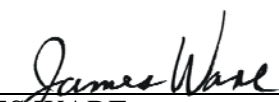
NO. C 03-05669 JW

**ORDER RE: DEFENDANTS'
OBJECTION TO MAGISTRATE JUDGE
SEEBORG'S ORDER GRANTING
PLAINTIFF'S MOTION TO COMPEL**

Before the Court is Defendants' Objection to and Motion for Review of Magistrate Judge Seeborg's Order Granting Plaintiff's Motion to Compel and Request for Stay. (See Docket Item No. 868.) On August 9, 2007, Magistrate Judge Seeborg granted Plaintiff's motion to compel Defendants to produce attorney billing records reflecting the attorney fees Defendants has incurred in the defense of this action. (hereafter, "Order," Docket Item No. 853.) Judge Seeborg found that since Defendants have identified those fees as the sole basis of their damages under their antitrust counterclaims, the production of the records with good-faith redactions of privilege is appropriate. (Order at 1-2.)

In light of the Court's August 22, 2007 Order granting, *inter alia*, Plaintiff's motion for summary judgment on Defendants' antitrust counterclaims, the billing records sought by Plaintiff are no longer relevant. Accordingly, the Court VACATES Judge Seeborg's August 9, 2007 Order to Compel. To the extent Plaintiff believes that Defendants' attorney billing records are relevant to other damages claimed, Plaintiff may renew its motion before Judge Seeborg.

Dated: August 23, 2007



JAMES WARE
United States District Judge

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: August 23, 2007

Richard W. Wieking, Clerk

**By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy**